

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON (TACOMA)

JEFFREY L. PRICE,

Civil No. 3:09-cv-5163-JRC

Plaintiff,

ORDER GRANTING REMAND

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council will issue a decision finding Plaintiff disabled as of March 16, 2007, the date he is considered to have attained age 55, and eligible for Title XVI benefits as of that date. The Appeals Council shall remand this case to an Administrative Law Judge (ALJ) for further consideration of the period prior to March 16, 2007. The ALJ will hold a *de novo* hearing and Plaintiff may raise any issue. The ALJ will evaluate Plaintiff's disability status for the period prior to March 16, 2007, utilizing the appropriate age categories, further evaluating medical source opinions, considering the

1 materiality of substance abuse as applicable, and completing the sequential evaluation process.
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3 Upon proper presentation, this Court will consider Plaintiff's application for costs and
4 attorney fees under 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

5 JUDGMENT is entered for Plaintiff, and this case is closed.
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7 DATED this 23rd day of September 2009.
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10 J. Richard Creatura
11 United States Magistrate Judge
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